

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY E. McCRARY,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-06-201-M
)	
JACK GREGSTON and PAUL M. DeWEESE,)	
)	
Defendants.)	

ORDER

On October 18, 2006, United States Magistrate Judge Valerie Couch issued a Report and Recommendation [docket no. 22] in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that Defendants' Motion to Dismiss [docket no. 14] be granted and that Plaintiff's claims based on federal law be dismissed without prejudice for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a). The Magistrate Judge further recommends that this Court decline to exercise jurisdiction over Plaintiff's state law claims and dismiss this action in its entirety without prejudice. The parties were advised of their right to object to the Report and Recommendation by November 7, 2006. On November 29, 2006, Petitioner filed his objection.¹

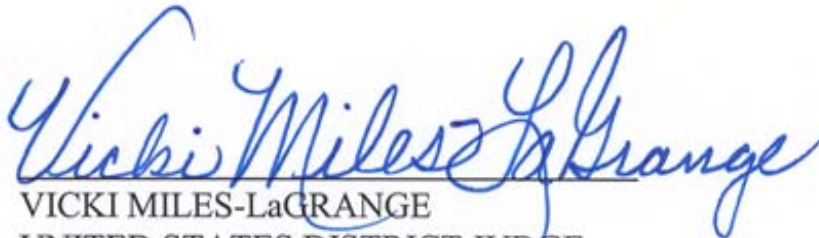
Having carefully reviewed this matter *de novo*, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on October 18, 2005;
- (2) GRANTS Defendants' Motion to Dismiss [docket no. 14];
- (3) DECLINES to exercise supplemental jurisdiction over Plaintiff's state law claims.

¹The deadline for Petitioner to object to the Report and Recommendation was extended by this Court's November 7, 2006 Order to December 7, 2006.

- (4) DISMISSES this action without prejudice for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a).

IT IS SO ORDERED this 7th day of December, 2006.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE